Government of Kerala
1984

Reg. No. KL/TV(N)/13

# KERALA GAZETTE

## SUPPLEMENTS

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## GOVERNMENT OF KERALA

**Abstract**

PROVIDENT FUND—RATE OF INTEREST ON DEPOSITS IN THE VARIOUS PROVIDENT FUNDS FOR THE YEAR 1984-85—FIXATION OF ORDERS ISSUED

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## FINANCE (P.F.) DEPARTMENT

**G.O. (MS.) 486/84/Fin. Dated, Trivandrum, 10th September 1984.**

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*Read*:—(i) G.O. (MS) 256/63/Fin. dated 16-5-1963.

(ii) G.O. (MS) 366/83/Fin. dated 6-7-1983.

(iii) G.O. (P) 54/84/Fin. dated 27-1-1984.

(iv) G.O. (P) 129/84/Fin. dated 1-3-1984.

(v) G.O. (P) 380/84/Fin. dated 7-8-1984.

(vi) Resolution No. F.6(1)-PD/84 dated 15-6-1984 from the Government of India, Ministry of Finance (Department of Economic Affairs).

## ORDER

In the Government Order read as first paper above, it was ordered that the Government of India rates of interest on General Provident Fund (GS) Deposits from time to time would be adopted by the State Government for all types of Provident Funds Administered by Government.

2. In the resolution read as sixth paper above, Government of India have announced that during the year 1983-84, accumulations at the credit of subscribers to the General Provident Fund and other similar Funds shall carry interest at the rate of 10% per annum and that these rates would be in force during the financial year beginning on 1-4-1984. In addition, Government of India have announced an incentive bonus to the subscribers at the rate of one per cent on the entire balance at their credit in case they have not withdrawn any amount from their Provident Fund Account during the preceding three years commencing from the 1st April, 1982.

3. The question of extending the above benefits in the case of General Provident Fund (Kerala) and the other Provident Funds Administered by the State Government was examined by Government and are pleased to order that the interest at a flat rate of 10% will be allowed on all deposits

and also on balances at the credit of the subscribers without any financial limit to the following Provident Funds during the financial year beginning on 1-4-1984.

1. General Provident Fund (Kerala).
2. The State Provident Fund (Travancore)
3. The General Provident Fund (Cochin)
4. The General Provident Fund (Madras)
5. The work Establishment Provident Fund
6. The Contingent Employees Provident Fund
7. The Contributory Provident Fund (Madras)
8. The C.P.P.F. (Madras).
9. The C.P.F. for the non-pensionable work charged Establishment of the Public Works Department.
10. The C.P.F. of the Forest Department.
11. The C.P.F. of the Public Health Engineering Department.
12. The K.A.S.E. Provident Fund.
13. The Kerala N.M.R. Pensionable Workers Provident Fund.
14. The Travancore Licenced Teacher's Provident Fund.
15. The Aided Secondary Teachers Provident Fund.
16. The Cochin Aided School Teachers Provident Fund.
17. The Kerala Panchayat Employees Provident Fund.
18. Kerala Private Engineering Colleges and Polytechnics Provident Fund.
19. Public Works Department Engineering Workshops (Pensionable) Workers General Provident Fund.

4. Further, the benefit of incentive bonus announced by the Government of India, will also be admissible to the subscribers, i.e., at the rate of one per cent on the entire balance at their credit, in case they have not withdrawn any amount from their Provident Fund Account during the preceding three years commencing from 1st April 1982.

By order of the Governor,

P. THANGAIYAN,

*Additional Secretary.*

To

The Accountant General, (A&E), Kerala, Trivandrum.
The Accountant General (Audit), Kerala, Trivandrum.
All Heads of Departments and Offices
All Departments and Sections of the Secretariat.
The Registrar, High Court, Ernakulam (with C. L.)
The Registrars, University of Kerala/Cochin/Calicut and Kottayam (with C. L.)
The Advocate General, Kerala, Ernakulam (with C. L.)
The Registrar, Agricultural University, Mannuthy, Trichur (with C. L.)
The Secretary, Kerala Public Service Commission, (with C. L.)

The Secretary, Vigilance Commission (with C.L.)
The Secretary, Kerala State Electricity Board, Trivandrum.
The General Manager, Kerala State Road Transport Corporation, Trivandrum.
The Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government.
The Private Secretaries to the Chief Minister and other Ministers.
The Secretary to Governor.
The Private Secretary to the Leader of Opposition.
The Under Secretary to the Chief Secretary.
The Director of Public Relations for giving vide publicity.

# GOVERNMENT OF KERALA

**Abstract**

GENERAL EDUCATION—OPENING AND UPGRADATION OF AIDED SCHOOLS DURING 1984-85 SANCTION GIVEN TO SMT. SANTHAKUMARI AMMA FOR OPENING A NEW HIGH SCHOOL AT KOTTARAKKARA—REVISION PETITION ALLOWED—ORDERS ISSUED

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## GENERAL EDUCATION (SPECIAL) DEPARTMENT

G.O. MS. No. 162/84/G. Edn. *Dated, Trivandrum, 17th August* 1984.

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*Read*:—1. Notification No. W4-77916/81 dated 31-7-1981
2. Notification No. NS (1)30545/83 dated 16-9-1983 (No. 1041)
3. Notification No. NS (1) 30545/83 dated 16-9-1983 (No. 1042)
4. G.O. (MS) No. 57/84/G. Edn. dated 26-3-1984.
5. Rev. Petition dated 23-4-1984 from Smt. K. Santhakumari Amma
6. Lr. No. B1-7518/84 dated 28-5-1984 from the District Educational Officer, Kottarakkara.

## ORDER

Government in their G. O. (MS) 57/84 G. Edn. dated 26-3-1984 interalia issued sanction to Most Rev. Mar Coorilos, Bishop's palace, Gross Junction, Quilon for opening a new High School at Kottarakkara. Smt. K. Santhakumari Amma, one of the two application for opening a High School at Kottarakkara filed a revision petition before the Government on 23-4-1984 requesting to reconsider the decision taken by Government sanctioning the new School in favour of Most Rev. Mar Coorilos. Quilon and to issue a stay on the sanction already given by the Government for opening the new school, until the disposal of the revision petition. The revision petitioner also wanted an opportunity to be heard before taking a final decision on the issue. Government, as such issued stay on further proceedings for opening the new school, until the disposal of the revision petition filed by Smt. K. Santhakumari Amma.

2. The revision petitioner and others were accordingly heard by [illegible] at 11 a. m. on 31-7-1984.

The following persons were present:—

1. Shri Mathai Elanjickal,
 Advocate (appeared on behalf of Smt. K. Santhakumari Amma, the Revision petitioner).

2. Fr. P. M. Koshy ⎫ Represented Most Rev.
3. Fr. Alex ⎬ Mathews Mar Coorilos,
4. Mr. K. C. Cherian ⎭ Bishop's Palace, Quilon,
 Corporate Manager,
 St. Gregorious H. S.
 Kottarakkara (Newly Sanctioned)

5. Shri K. G. Purushothama Panicker, D. E. O., Kottarakara.
6. Shri J. Kunjukrishna Pillai and
7. Shri V. Radhakrishnan Nair.

3. Shri Mathai Elanjickal, Advocate who appeared on behalf of Smt. K. Santhakumari Amma, the revision petitioner, stated that the revision petitioner was actually in possession of 3.16 acres of land at Ambalapuram in Ward No. 8 of Kottarakkara panchayat, at the time of her application for the school. She has got absolute ownership for one acre fourteen cents of land as per the Settlement Deed of 1969, dated 1-11-1969, subject to a life estate executed by her father, who passed away in 1972 on the death of her father the revision petitioner has become the absolute owner of the land. The petitioner and her husband obtained in common 1 acre 52 cents of land as per the sale deed No. 870 of 1983. Her husband had Puthuval registry and pattayam for another 50 cents of land adjacent to the one acre 52 cents of land owned by them. In October, 1983 the husband of the petitioner executed a mortgage deed giving his ½ share in the 1 acre 52 cents and also the Puthuval of 50 cents, to the petitioner for a period of 12 years, by document No. 3650. Thus the petitioner has absolute ownership and posession over 1 acre 14 cents and exclusive possession for a period of 12 years as mortgage over 2 Acre, 2 cents. The Rules required only execlusive possession for a period of six years, he said. Thus at the time of submitting her application, she has sufficient land required under the rule for applying for a new school, he said. Later, petitioner's husband had executed a settlement deed on 26-7-1984 for enquiry of repemption right of her husband and thus she has become the absolute owner in possession. The advocate also stated that all the said plots, i. e. a total of 3 acres 16 cents in extent, lie as one block which is more than what is required under rule.

4. In reply to a question, the Advocate said that the petitioner had shown all the relevant documents including the mortgage deed, pertaining to the ownership and possession of the required land, to the D. E. O. (District Educational Officer) at the time of enquiry. The revision petitioner thus had satisfied at the time of her applica ion, all the conditions required under the rules, regarding ownership and possession over the site etc. In all other respects also the application was promptly in order, he

argued. According to him, it was only because of her omission to note the right of exclusive possession of acre and 2 cents of land by the petitioner, that the District Educational Officer in her report stated that the petitioner's application was defective. The petitioner's application should also have been considered while granting a new school at Kottarakara because it was not defective, he said. According to him both the applications-the application of the respondent as well as of the revision petitioner-were in order, and so the applications should have been considered on comparative merit, for which the educational needs of the localit. should have been taken in to account. The advocate argued that the application of the petitioner was to be preferred to that of the respondent, on the following reasons. The site proposed by the petitioner is in ward No. VIII of Kottarakkara Panchayat, where there is real educational need for a high school. But there are eight High Schools around the new school sanctioned to the respondent, and all these eight schools are situated only within a distance of one to two Kms of the new school whereas in the case of the site proposed by the petitioner, there are only three High Schools in the neighbourhood, and two of them are at a distance of 3 kms and one at a distance of 4 Kms from the proposed site. The distance from the proposed site to the Government H. S., Muttara is 3 kms. that to D. V. H. S. Neduvathur is 4 kms and that to the S. K. V. H. S. is 3 kms. The Government L. P. S. at Ambalappuram is only at a distance of one K. M. from the proposed site. He added that with reference to the location of the site offered by both the parties a High School is a necessity at the site offered by the petitioner while it is luxury at the site offered by the respondent, there being already so many schools all around which are more than sufficient to cater to the educational needs of the locality.

5. Another factor which, should be considered according to him is that there is harijan colony (at Velanganam) very near to the site proposed by the petitioner. More than two hundred families are settled in the colony. There is also another colony of tribes, where Malampandarams and "Kuravas" are settled. The site offered by the petitioner is in between these two colonies. And so, according to him, the locality in between the two colonies will naturally be a backward areas and opening of a high school in such a backward area, is highly essential for the uplift of the Harijans, especially in this 'Harijan year of 1984'.

6. He concluded that the application of the petitioner was not at all defective. According to him the application of the petitioner should have been allowed because the site offered by the petitioner was in a locality where a new H. S. is a necessity, while it will be luxury in a locality where there is a cluster of schools, one of them belonging to the respondent himself. So taking into account, the backwardness of the locality, with two harijan colonies within a km on either side of the site offered by the petitioner, the application of the revision petitioner, may be allowed, and the sanction already given for a new High School to the respondent may be cancelled, he prayed.

7. Rev. Fr. P. M. Koshy and Shri K. C. Cherian, who appeared on behalf of Most. Rev. Mathews Mar Coorilos, the Corporate Manager, stated that the statement made by the Advocate of the petitioner with regard to the distance between the newly sanctioned High School and the neighbouring High Schools is not correct. The site proposed by the most Rev. Mar Coorilos for the new school is in the town area, which is thickly populated. Many of the existing schools in the town area were finding it difficult to accommodate all those students who seek admission in those schools and therefore, opening of one more High School in the town area will not be an excess. According to the respondent, the area notified for opening a new High School is Kottarakkara but the site offered by the Revision Petitioner is at Ambalappuram, about 4 kms. away from Kottarakkara town. If the strength or population, and the educational needs of the locality are taken into account, the site offered by the Corporate Management was to be preferred to that of the petitioner. The Corporate Management has got 38 acres of land, out of which the college in the same plot of land required only 15 acres and so the remaining extent can be utilised for the proposed new school, they said. The land is easily approachable also. According to them, there would not be division fall in the existing schools in the neighbourhood, by opening a new High School in the site proposed by the Corporate Management. The Covernment Cirls High School and the St. Mary's High School are the neighbouring Schools of the proposed new school and both of them are finding it very difficult to admit all those students who seek admission these schools, and so there might not be the problem of divisionfall in these schools, they said. At the same time, if a new school is sanctioned at the site proposed by the revision petitioner, the schools at Neduvathur and Ezhukone will be adversely affected, they added. The population in the town area is increasing day-by-day and so there will not be reduction of student strength in the schools in the town area. Opening of a new High School in the town area is, therefore, highly essential to meet the increased educational needs of the locality. Considering all these things, the stay issued on the sanction given to Most Rev. Mathews Mar Coorilos for opening a new High School at Kottarakara may be vacated, and the revision petition filed may be rejected, Shri Cherian prayed.

8. The District Educational Officer, Kottarakkara said that both the Marthoma High School, Kottarakara and the Covernment High School, Kottarakara finding it difficult to accommodate all those students who seek admission there, for want of space. The Covernment High School, Kottarakkara is having only 15 divisions, he added.

9. The District Educational Officer, Kottarakkara in his letter dated 31-7-1984 furnished additional information regarding the distance between the proposed sites and the existing neighbouring schools, as well as the educational needs of the locality, as asked for at the time of hearing.

10. On verification of the documents, it is seen that the revision petitioner has the right of exclusive possession of sufficient land for more than six years, as required under rule 9 (i) of Chapter V.K.E.Rs. But it might have been an omission on the part of the then District Educational Officer to note it, while considering the applications, before making the recommendation. So the application of the revision petitioner was also in order and therefore it should also have been considered, while granting the school at Kottarakkara.

11. In these circumstances, while taking into account both the applications on comparative merit, it is felt that the application of the revision petitioner should have preferred to that of the respondent on the following reasons:—

(a) There is a Harijan Colony at Ambalapuram, where Malampandarams and Kuravas are settled. The District Educational Officer, Kottarakkara in his report dated 31-7-1984 has confirmed this. According to the District Educational Officer the area is a backward one and so, a High School will be beneficial to the pupils, to meet the educational needs of the locality.

(b) There are eight High Schools near the site proposed by the respondent of which six are situated within a distance of 1 to 2.5 kms. and the other two are at a distance of only 3 kms.

(c) Being a backward area, where harijans and other backward communities are mostly settled, the site proposed by the revision petitioner is to be preferred to that of the respondent.

12. In these circumstances, it is felt that the earlier decision taken by Government in sanctioning the school to Most Rev. Mathews Mar Coorilos, was not a correct one considering all the relevant factors and therefore it has to be set aside. The revision petition of Smt. K. Santhakumari Amma is accordingly allowed, setting aside, the sanction already issued in favour of Most Rev. Mathews Mar Coorilos in G.O. (Ms) No. 57/84/G.Edn. dated 26-3-1984, and sanction is accorded to Smt. K. Santhakumari Amma, Padinjattinkara Puthen Veedu, Muttara P. O., Kottarakkara for opening a new High School at Kottarakara.

By order of the Governor,

S. K. SARADAMMA,
*Under Secretary to Government.*

Kerala Gazette No. 39 dated 2nd October 1984.
**PART I**

**GOVERNMENT OF KERALA**

**Abstract**

EDUCATION—GRANT OF MONETARY CONCESSIONS UNDER KUMARA PILLAI COMMISSION REPORT—COMPUTATION OF ANNUAL INCOME—EXCLUSION OF D. A. IN RESPECT OF PENSIONERS—ORDERS—ISSUED

HIGHER EDUCATION (C) DEPARTMENT

**G. O. (P) No. 229/84/H. Edn. Dated, Trivandrum, 31st August 1984.**

*Read*:—1. G. O. (P) No. 208/66/Edn. dated 2-5-1966.
2. G.O. (P) No. 152/75/H. Edn. dated 2-9-1975.
3. G.O. (P) No. 135/77/H. Edn. dated 19-8-1977
4. G. O. (P) No. 173/80/H. Edn. dated 24-11-1980.
5. G. O. (P) No. 197/82/H. Edn. dated 22-12-1982.
6. G. O. (P) No. 311/83/H. Edn. dated 30-12-1983.
7. Letter No. SPO/12/84 dated 1-2-1984 from the General Secretary, State Service Pensioners' Organisation, Alleppey.

ORDER

In the Government order read as 6th paper above Government have ordered that basic pay only will be taken into account for calculating annual income for the purpose of granting monetary concessions under the Kumara Pillai Commission Report in the case of persons whose income is computed on the basis of salary drawn by them. Since the Government have been receiving representations from pensioners for extending this concession to their cases also, Government have examined the request in detail and are pleased to order that D.A. will be excluded for computing annual family income in the case of pensioners for the purpose of granting monetary concessions as contemplated in the Government order read as first paper above.

By order of the Governor,

V. DAYANANDAN,

*Under Secretary to Government.*

G. 1494

[P.T.O.]

To

The Director of Harijan Welfare, Trivandrum
The Director of Collegiate Education, Trivandrum
The Director of Technical Education, Trivandrum
All District Collectors
The Principal, Medical College, Trivandrum
The Principal, Medical College, Kottayam
The Principal, Medical College, Kozhikode
The Principal, Medical College, Alleppey
The Principal, Law College, Trivandrum
The Principal, Law College, Ernakulam
The Principal, Law College, Calicut
The Principal, Medical College, Trichur
The Registrar, University of Kerala, Trivandrum
The Registrar, University of Calicut
The Registrar, University of Cochin
The Registrar, Gandhiji University, Kottayam
The Registrar, Kerala Agricultural University, Mannuthy, Trichur
The Health Department
The Agriculture Department
The Higher Education (F) Department
The Higher Education (G) Department
The Director of Public Relations, Trivandrum
The Harijan Welfare Departments
The Secretary, Board of Revenue, Trivandrum
The Director of Homoeopathy, Trivandrum
The Principal, Government Homoeo College, Trivandrum
The Accountant General, (Audit), Trivandrum
The Accountant General (Accounts and Entitlement), Trivandrum
The Private Secretary to Minister (Education)
The General Secretary, State Service Pensioners' Organisation, C. J. Vihar, Santhanam Ward, Alleppey-1

Copy to:
The Higher Education (P) Department.

Kerala Gazette No. 39 dated 2nd October 1984.
PART I

# GOVERNMENT OF KERALA

## Labour (A) Department

## NOTIFICATION

G. O. (Rt.) No. 998/84/LBR. *Dated, Trivandrum, 26th July 1984.*

The award of the Industrial Tribunal, Alleppey in respect of the dispute between Oomen Varghese, Head Conductor, No. 8, Colony, Mount Estate, Vandiperiyar P.O. and the Manager, Mount Estate, Vandiperiyar P. O.; Idukki District received by Government on 20-7-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
T. PADMAVATHY AMMA,
*Deputy Secretary to Government.*

## In the Court of the Industrial Tribunal, Alleppey

(Dated this the 5th day of July, 1984)

*Present*:

SHRI K. KANAKACHANDRAN

*Industrial Tribunal*

*In*

INDUSTRIAL DISPUTE No. 1/1984

*Between*

Oommen Varghese, Head Conductor, No. 8, Colony,
Mount Estate, Vandiperiyar P.O.

*And*

The Manager, Mount Estate, Vandiperiyar P. O., Idukki District

*Representations*:

M/s K. P. M. Sheriff &
K. P. Mehaboob Sheriff,
Advocates,
Alleppey. .. For *Complainant*

M/s Joseph & Markos,
Advocates,
Kottayam. .. For *Respondent*

## AWARD

This is a complaint filed under Sec. 33 (A) of the Industrial Dispute Act. The complainant was a Head Conductor in the Mount Estate owned by Ram Bahadur Thakur Private Ltd., Peermade. The complainant-workman is concerned in the Industrial Dispute 1/81 pending before this Tribunal.

2. It is stated in the complaint that the workman was dismissed from service by order dated 21-12-1983 of the Respondent-Management and the dismissal was in violation of provisions of Sec. 33 of the Industrial Dispute Act. The Management has filed written statement denying all the allegations raised by the workman. The management has also raised a plea that the complainant will not come under the definition of "workmen" since he was working in supervisory capacity and was drawing more than Rs. 500 per mensem just before this dismissal from service. It is contended that on that ground alone the dispute is not maintainable.

3. On 2-7-1984 when this case was filed, a compromise petition was filed which was duly signed by the parties herein as also respective counsel. It is stated in the petition that the complaint may be dismissed as it is not pressed.

4. By recording the statement contained in the petition, an award is passed holding that no industrial dispute is now subsisting between the parties.

K. KANAKACHANDRAN,
*Industrial Tribunal.*

Alleppey.

GOVERNMENT OF KERALA

**Labour (A) Department**

NOTIFICATION

G. O. (Rt.) No. 754/84/LBR. *Dated, Trivandrum, 2nd June 1984.*

The award of the Labour Court, Ernakulam in respect of the dispute between the President, Ponmanikkudam Service Co-operative Bank Ltd. No. F. 794, Perinnanam and the workman of the above concern Shri K. K. Francis, s/o Kaliyankara Kochappu, c/o P. T. Thomas, Parappully Veedu, S. N. Park, Trichur-4 received by Government on 1-6-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
A. S. Moni Achari,
*Deputy Secretary to Government.*

**In the Labour Court, Ernakulam**

Monday, the 28th May 1984

*Present*:

Shri N. SUKUMARAN, B. Sc., B. L.,

*Presiding Officer*

INDUSTRIAL DISPUTE No. 83 of 1981

*Between*:

The President, Ponmanikkudam Service Co-operative Bank Ltd. No. F. 794, Perinnanam

*And*

The workman of the above concern Shri K. K. Francis, s/o Kaliyankara Kochappu, c/o. P. T. Thomas, Parappully Veedu, S.N. Park, Trichur-4.

*Representations*:

Shri M. Venugopalan, Advocate, Trichur. — For *Management*

Shri K. V. K. Panicker, Trade Union Leader, Trichur. — For *Workman*

GA. 328/J.

## AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 1241/81/ LBR dated 25-9-1981 is "Dismissal of Shri K. K. Francis".

II. The dismissal was after a domestic enquiry. The validity of the domestic enquiry was seriously challenged by the workman and therefore that aspect was considered by me as a preliminary issue which was disposed of by me as per my order dated 25-5-1984. Necessary facts are narrated in that order which I shall here extract in full :—

### "PRELIMINARY ORDER

Shri K. K. Francis was the Secretary of Ponmanikkudam Service Co-operative Bank Ltd. No. F. 794 (hereinafter referred to as the Bank). While so disciplinary proceedings were initiated against him and he was placed under suspension on 27-6-1980. The allegation was that he had unauthorisedly removed and appropriated 400 bricks belonging to the Bank from its premises. While admitting that he had removed for his use 300 bricks he stated in his explanation that he did so as permitted by the President. He was placed under suspension finding that his explanation was not satisfactory and he was asked to hand over charge to the senior clerk. At the time of handing over charge certain other irregularities were also noticed. So a formal charge was framed and served on Shri Francis containing as many as five items of misconducts. They were:

I. Misappropriation of 400 bricks.

II. 3696 coconuts alone were available to be handed over to the substitute on 27-6-1980 when the charge was handed over as against the stock of 5196 nuts as per stock Register.

III. Cash Book from 24-5-1980 was not written up when he was suspended.

IV. There was shortage in textiles which was under the charge of Shri Francis.

V. Coir worth Rs. 253.80 was missing in the stock when the charge was handed over.

MW1 an advocate was appointed to conduct a domestic enquiry into the above charges. Shri Francis participated in the domestic enquiry throughout. The Enquiry Officer gave his findings Ext. M1(a) to the effect that Shri Francis is guilty of all the misconducts attributed to him. Accepting the findings the Bank decided to dismiss Shri Francis. That order was implemented by way of a publication in the daily paper since it could not be otherwise served on Shri Francis. It is the correctness of this dismissal that is being challenged by Shri Francis.

2. In the charter of demands, copy of which is appended to the reference, Shri Francis attacks the dismissal as wholly illegal and unsustainable alleging that the enquiry was not held in accordance with the principles

of natural justice. As many as six grounds are enumerated therein. They are;

(i) He was not given sufficient opportunity to establish his innocence at the enquiry as he was not given an opportunluy to examine his witnesses.
(ii) Documents requested by him were not produced at the enquiry.
(iii) Depositions were not correctly recorded by the Enquiry Officer.
(iv) The Enquiry Officer was not impartial but biased.
(v) Sufficient opportunity was not given by the Enquiry Officer to adduce evidence.
(vi) The dismissal on the basis of the enquiry is improper and invalid.

In the rejoinder he generally reiterates the above claims and seeks direction for reinstatement with all benefits.

3. In the written statement the Management defends its action by saying that Shri Francis was really guilty of the misconducts attributed to him and that they were well founded in a properly conducted domestic enquiry by an independent and impartial Advocate appointed for that purpose. The allegation that the enquiry was vitiated for the reasons stated in the charter of demands is emphatically denied. The individual objections raised are also answered by saying that the enquiry was held in accordance with the principles of natural justice giving all possible opportunities to Shri Francis to cross-examine the witnesses examined on the side of the Management and to adduce all his evidence. The findings of the Enquiry Officer, according to the Bank, are reasonable on the basis of the evidence admitted and the punishment of dismissal was appropriate for the misconducts established. Shri Francis, according to the Bank, is not entitled to any reliefs.

4. Since the validity of the domestic enquiry was seriously challenged it became necessary to consider as to whether there was a proper and valid domestic enquiry. The Enquiry Officer was examined as MW1 through whom Ext. M1 file containing the relevant records concerning the domestic enquiry was proved. Exts. M2 to M6 were also proved through MW1. Shri Francis gave evidence as WW1. That is all the evidence available.

5. This is a case where the Bank initiated action against Shri Francis on the basis of the removal of 400 bricks for which an initial memo was issued to him. He admitted that he removed 300 bricks for his own use. But he maintained that he did so as permitted by the President. The President who issued the memo maintained that he did not grant any such permission. It is in evidence that Shri Francis had ultimately remitted the cost of the bricks with penal interest. Thus this is a case where disciplinary proceedings were initiated by the Bank bonafide on reasonable basis and Shri Francis has no case that he was victimised. So the next question is as to whether the enquiry was held in accordance with the principles of natural justice. I shall proceed to consider that aspect.

6. The enquiry was conducted by MW1, an Advocate, who was appointed for that purpose. Shri Francis participated, in the enquiry throughout without raising any protest. Now there is a complaint that the Enquiry Officer was not impartial but biased in favour of the Management. Shri Francis when examined as WW1 had admitted that the Enquiry Officer had no special reasons to act against his interests. The allegation repeated in the charter of demands is that the Enquiry Officer did not give sufficient opportunities to Shri Francis to adduce evidence. Shri Francis had filed a list of his witnesses before the Enquiry Officer and that is Ext. M5. There he had mentioned the names of 5 witnesses. But he made Ext. M5 (a) endorsement on 19-8-1980 stating that he is not examining any of the witnesses and that he has no documentary evidence also. That fact is admitted by Shri Francis in his evidence as WW1. What is stated by him in cross-examination is that he was given sufficient opportunities to cross-examine the Bank's witnesses and to adduce his evidence. He also stated that he had no witnesses to be examined. Thus it is evident that the complaint that sufficient opportunities were not given to adduce evidence is raised without any bonafides.

7. The complaint that the documents required by Shri Francis were not produced at the enquiry is not seen persued at the stage of evidence. There is nothing to indicate that Shri Francis wanted the production of any particular documents and that material documents were suppressed. On the other hand the evidence shows that Shri Francis wanted an opportunity to peruse certain records. The request wasa dvanced before the Enquiry Officer. That is Ext. M2 in which the list of documents which he wanted to peruse were mentioned. The Enquiry Officer as per Ext. M2 (a) issued instructions to the President of the Bank to give an opportunity to Shri Francis to have access to the documents. Accordingly Shri Francis issued Ext. M3 memo to the President to give him an opportunity to go through the documents. Ext. M4 issued by Shri Francis to the President shows that all available documents were shown to him and that the remaining documents can be shown later. The Enquiry Officer as MW1 had given evidence that Shri Francis stated before him that all other documents were shown to him later. Now there is no complaint that their remaining documents were not shown. Thus it is clear that the legitimate requests advanced by Shri Francis were conceded by the Enquiry Officer and the Bank.

8. Another specific complaint raised in the charter of demands is that the depositions were not correctly recorded by the Enquiry Officer. When the Enquiry Officer was in the box it was suggested to him in cross-examination that what is contained in Ext. M1 file are not the depositions of the witnesses examined and recorded at the enquiry. What are produced before me are signed by the concerned witnesses and the Enquiry officer. Signatures of Shri Francis are absent therein. The suggestion is that Shri Francis had also signed on depositions at the enquiry and those genuine depositions are suppressed and substitutes suitable for strengthening the case of the Management are later created and produced. The suggestion

is emphatically denied by MW1. Shri Francis in his evidence affirms that the depositions were signed by him and they are not those that are now produced and relied on. But when crosse examined he stated categorically that the depositions produced are a true accounts of the statements made by the witnesses and the only complaint is that his signatures are absent. In these state of affairs the complaint that genuine depositions are suppressed and fabrications substituted has really no reasonable basis.

9. Though not specifically pleaded a criticism is advanced on the basis of the depositions of MW1 that Shri Francis could not effectively cross-examine the witnesses since the names of the witnesses were not furnished to him in advance. MW1 admitted that he did not furnish the names of the witnesses to Shri Francis before they were examined. Now the argument is that Shri Francis was not aware as to who were all figuring as witnesses and therefore he could not prepare bimself for effective cross-examination and that way he was not given sufficient opportunity for his defence. But this is not a case where Shri Francis apprehended difficulties in cross-examining the witnesses without having information regarding their details in advance. He cross-examined the witnesses elaborately without expressing any such difficulties. If as a matter of fact he was really handicapped since he did not have advance information regarding the witnesses it was open to him to request for an adjournment for that purpose. He could also have requested the Enquiry Officer in advance that he must be furnished the details regarding the witnesses. Having failed to do so the present complaint that the entire enquiry is vitiated for the reason that the witness list was not furnished before the examination of the witnesses cannot be accepted. So this additional ground also cannot help Shri Francis.

10. From what has been stated above it follows that the criticisms raised against the enquiry are not tenable. Shri Francis has no case that the findings of the Enquiry Officer are perverse. On the other hand the argument is tbat unassailable findings have been reccorded on the basis of rcords fabricated as genuine depositions. In other words it is admitted that the findings on the basis of the records produced are sustainable. I have perused the evidence in detail and Im a convinced that the findings of the Enquiry Officer are reasonable and sustainable. I need not elaborately discuss tbe evidence since the correctness of the findings are not challenged before me. I need only say that the findings are reasonable and acceptable.

11. In the result it is hereby found that there was a proper and valid domestic enquiry and that the findings of the Enquiry Officer are correct."

III. The question as to whether Shri Francis is entitled to any reliefs in the matter of punishment alone now remains. Disciplinary proceedings were initiated on the basis that 400 bricks were misappropriated by Shri Francis. That allegation is found to be true. But that is not the only misconduct that is established. There was substantial shortage in the stock of coconuts. Shortage was noticed in other items also. Those

materials were in the custody of Shri Francis in his capacity as the Secretary of the Bank. Shri Francis who was the Chief Executive Officer of the Bank is seen to have committed misappropriation of the bricks. He must naturally have misappropriated the materials found in short at the time of handing over charge. A person occupying the position of the Secretary of a Bank should be honest and dishonest behaviour on his part cannot be brushed aside as a silly misconduct. When viewed in this background the misapropriations involved are serious offences for which nothing short of dismissal will be adequate punishment. So Shri Francis deserves the punishment awarded by the Bank. There are no reasons therefore to award a lesser punishment or grant other reliefs to Shri Francis. In the result an award is passed confirming the dismissal of Shri Francis.

Ernakulam,
28-5-1984.

N. SUKUMARAN,
*Presiding Officer.*

**Appendix**

*Witness examined on the Management's side:*

MW1 Shri Madhusoodhanan.

*Witness examined on the Workman's side:*

WW1 Shri K. K. Francis.

*Exhibits marked on the Management's side:*

Ext. M1. The file containing the papers of the domestic enquiry.

,, M1(a). Enquiry report.

,, M1(b). Proceedings paper of the domestic enquiry (in Ext. M1)

,, M2. A list of documents for perusal submitted by Shri Francis on 31-7-1980.

,, M2 (a). Order of the Enquiry Officer on Ext. M2.

,, M3. Copy of a communication dated 1-8-1980 from the Bank to Shri Francis.

,, M4. A statement of Shri Francis showing the details of the records made available for his perusal.

,, M5. List of witnesses submitted by Shri Francis on 8-8-1980.

,, M5(a). Endorsement on Ext. M5 made by Shri Francis on 19-8-1980.

,, M6. List of documents submitted before the Enquiry Officer by the Bank on 18-8-1980.

Kerala Gazette No. 39 dated 2nd October 1984.
PART I

# GOVERNMENT OF KERALA

## Labour (A) Department

## NOTIFICATION

G. O. (Rt.) No. 767/84/LBR. *Dated, Trivandrum, 5th June 1984.*

The award of the Labour Court, Ernakulam in respect of the dispute between (1) The Director, Malayalam Plantations India Limited, Post Box No. 502, Cochin–682003 and (2) The Manager, Kaliyar Estate, Thodupuzha, Idukki District and the workmen of the above estate represented by (1) The Joint Secretary, National Estate Workers Congress, Kaliyar, Thodupuzha P. O., (2) The Vice President, Kaliyar Estate Employees Union (AITUC), Kaliyar, Thodupuzha, (3) The Secretary, Kaliyar Estate Workers Union (CITU), Kaliyar, Thodupuzha, (4) The Vice President, AISTU, Kaliyar Estate, Thodupuzha, (5) The President, Estate Staffs and Employees Union of South India, Kaliyar Branch, Thodupuzha, (6) The Secretary, Rubber Estate Mazdoor Sangham, Thodupuzha, (7) The President, Kaliyar Estate Thottam Thozhilali Union, Kaliyar, Thodupuzha and (8) The President, Kaliyar Estate Supervisors Skilled Workers, Watchers and Factory Workers Union, Kaliyar, Thodupuzha received by Government on 1-6-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
A. S. Moni Achari,
*Deputy Secretary to Government.*

## In the Labour Court, Ernakulam

(Tuesday, the 29th May 1984)

*Present:*

Shri N. SUKUMARAN, B. SC., B. L.,
*Presiding Officer*

## INDUSTRIAL DISPUTE No. 28 OF 1983

*Between*

(1) The Director, Malayalam Plantations India Limited, Post Box No. 502, Cochin–682003 and (2) The Manager, Kaliyar Estate, Thodupuzha, Idukki District.

*And*:

The workmen of the above estate represented by (1) The Joint Secretary, National Estate Workers Congress, Kaliyar, Thodupuzha P. O., (2) The Vice President, Kaliyar Estate Employees Union, (AITUC), Kaliyar, Thodupuzha, (3) The Secretary, Kaliyar Estate Workers Union (CITU), Kaliyar, Thodupuzha, (4) The Vice President, AISTU, Kaliyar Estate, Thodupuzha, (5) The President, Estate Staffs and Employees Union of South India, Kaliyar Branch, Thodupuzha, (6) The Secretary, Rubber Estate Mazdoor Sanghom, Thodupuzha, (7) The President, Kaliyar Estate Thottam Thozhilali Union, Kaliyar, Thodupuzha and (8) The President, Kaliyar Estate Supervisors Skilled Workers, Watchers and Factory Workers Union, Kaliyar, Thodupuzha.

*Representations*:—

M/s. Menon & Pai,
Advocates,
Ernakulam. .. For *Managements*.

M/s. K. R. B. Kaimal & G. C. Thomas,
Advocates,
Cochin-17. .. For *Union Nos. 1 to 4*.

AWARD

The issues referred for adjudication by Government as per G.O. (Rt.) No. 638/83/LBR dated 9-6-1983 are the following :—

"I. Justifiability of four days wage cut effected during the month of November 1982.

II. Justifiability of lockout with effect from 22-1-1983 and wages for the lockout period."

2. Some of the Unions arrayed as parties in the reference entered appearance and filed their claim statement. Others chose to remain ex-parte. The case was coming up for the written statement of the Management. In the meanwhile the Management had filed O.P. 5164/83 before the High Court of Kerala challenging the validity of this reference. Now it is reported by the Management that the O.P. 5164/83 had since been allowed by the High Court quashing the order of reference. That the position is so is admitted on behalf of the Unions that have entered appearance. In these state of affairs there is no subsisting reference on the basis of which this adjudication could now be proceeded. It is submitted on behalf of the Unions that a Writ Appeal is in contemplation from the order quashing the reference and therefore the case may be kept pending. But it is unnecessary to keep the case pending since the reference will automatically

revive in case the validity of the same is ultimately upheld. As matter stand now I cannot proceed further since there is no subsisting valid reference.

3. In the result an award is passed to the effect that there is no subsisting valid reference in view of the pronouncement of the High Court in O.P. 5164/83.

Ernakulam,
29-5-1984.

N. SUKUMARAN,
*Presiding Officer*.

GOVERNMENT OF KERALA

**Law (Legislation-Publication) Department**

NOTIFICATION

No. 7193/Leg. Pbn. 2/84/Law. *Dated, Trivandrum, 14th May* 1984.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II—Section 1, dated the 26th December 1983 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 25th December, 1983.

By order of the Governor,
K. Sreedharan,
*Law Secretary.*

## THE TEA (AMENDMENT) ACT, 1983

*An*

*Act*

*further to amend the Tea Act,* 1953.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tea (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 7th day of October, 1983.

2. *Amendment of sections* 16D *and* 16-*I*.—In the proviso to sub-section (2) of section 16D and in clause (a) of sub-section (2) of section 16-I of the Tea Act, 1953 (29 of 1953) (hereinafter referred to as the principal Act), for the words "two years", the words "six years" shall be substituted.

3. *Repeal and saving.*—(1) The Tea (Amendment) Ordinance, 1983 (7 of 1983) is hereby repealed.

(2). Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Kerala Gazette No. 39 dated 2nd October 1984.
**PART I**

**Section iv**

GOVERNMENT OF KERALA

**Home (C) Department**

NOTIFICATION

G.O. Ms. No. 117/84/Home. *Dated, Trivandrum, 29th August,* 1984.

**S. R. O. No. 1118/84.**—In exercise of the powers conferred by sub-section (i) of section 20 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala hereby appoint the Deputy Collector, Kasaragod District to be Executive Magistrate within the limits of the said District.

By order of the Governor,

N. KALEESWARAN,

*Commissioner and Secretary to Government.*

**Explanatory Note**

(This is not part of the Notification, but is intended to indicate its general purport)

It is considered necessary to appoint the Deputy Collector, Kasaragod as Executive Magistrate consequent on the formation of the Kasaragod District. This notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

**Home (C) Department**

NOTIFICATION

G. O. Rt. No. 2448/84/Home. *Dated, Trivandrum, 1st September,* 1984.

**S. R. O. No. 1119/84.**—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala hereby appoint Sri A. M. Viswanathan, Advocate, Tellicherry as Special Public Prosecutor for the conduct of prosecution in S. G. No. 39/83 before the Principal Sessions Court, Tellicherry arising out of Grime No. 151/82 of Cannanore Town Police Stati n.

By order of the Governor,

N. Kaleeswaran,

*Commissioner and Secretary to Government.*

**Explanatory Note**

(This is not part of the notification but is intended to indicate its general purport.)

Government consider it necessary in public interest to appoint Sri A. M. Viswanathan, Advocate, Tellicherry who has the requisite qualification as Special Public Prosecutor for the conduct of prosecution in S. G. No. 39/83 before the Principal Sessions Court, Tellicherry arising out of crime No. 151/82 of Cannanore Town Police Station. The notification is intended to achieve this object.

## GOVERNMENT OF KERALA

**Home (H) Department**

## NOTIFICATION

G. O. (P) No. 121/84/Home. *Dated, Trivandrum, 3rd September* **1984.**

**S. R. O. No. 1120/84**—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following Special Rules for Special Recruitment from among members of the Scheduled Castes and Scheduled Tribes to the post of Assistant Chemical Examiner in the Chemical Examiner's Laboratory, namely:—

### RULES

1. *Short title and commencement.*—(a) These rules may be called the Special Rules for Special Recruitment from among members of the Scheduled Castes and Scheduled Tribes to the post of Assistant Chemical Examiner in the Chemical Examiner's Laboratory.

(b) They shall come into force at once.

2. *Educational Qualification:*—No person shall be eligible for appointment to the post under these rules unless he possesses I or II Class M. Sc. Degree in Chemistry, Seience Forensic, Nio-Chemistry or Microbiology.

3. *Qualification regarding age:*—(a) No person shall be eligible for appointment to the post if he has not completed 2) years of age or if he has completed 40 years of age on the 1st day of January of the year in which the applications are invited for appointment to the post.

(b) The relaxation of upper age limit envisaged in sub-rule (c) of the rule 10 of the Kerala State and Subordinate Services Rules, 1958 shall not apply to the candidate for appointment under these rules.

4. *Training:*—A person appointed under these rules shall undergo in-service training for a period of one year in the various divisions of the Chemical Examiner's Laboratory.

5. *Pay during the training period:*—During the period of training the candidate shall be paid the minimum of the scale of pay plus usual allowances attached to the post.

6. *Probation*:—Every person appointed under these rules shall from the date of his joining duty be on probation for a total period of 2 years on duty within a continuous period of 3 years.

7. *Test*:—Every person appointed under these rules shall within the period of probation, pass the Account Test for Executive Officers or Account Test (Lower) if he has not already passed the test.

8. *Appointing Authority*:—The appointing authority shall be the Chemical Examiner to Government.

By order of the Governor,

N. KALEESWARAN,

*Commissioner & Secretary (Home).*

## Explanatory Note

(This does not form part of the notification but is intended to achieve its general purport.)

Government have reserved one post in the category of Assistant Chemical Examiner in the Chemical Examiner's Laboratory by Special Recruitment from among Scheduled Caste/Scheduled Tribe. But no candidate is available for Special Recruitment to the post even after a Re-notification. The minimum qualification fixed for direct recruitment to the post of Assistant Chemical Examiner needs rekaxatuib. Therefore Government consider that is necessary te make Special Rules under the Kerala Public Service Act for the recruitment of Scheduled Caste/Scheduled Tribe candidates to the above post in the Chemical Examiner's Laboratory. This notification is intended to achieve this object.

Kerala Gazette No. 39 dated 2nd October 1984.
**PART I** Section iv

## GOVERNMENT OF KERALA

### General Administration (Rules) Department

### NOTIFICATION

G.O. (P) No. 310/84/GAD. *Dated, Trivandrum, 31st August,* 1984.

**S.R.O. No. 1121/84.**—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following amendment to the Special Rules for the Kerala General Service published under Notification G.O. (P) No. 464/Public (Rules) Department, dated the 28th November, 1966, in Part I of the Kerala Gazette No. 49 dated the 13th December, 1966 as subsequently amended, namely:—

AMENDMENT

In the said rules, in sub-rule (a) of rule 2, for the words "Public Works Department and the Public Health Engineering Department" in item (i) under the heading "Method of appointment" in column (2) against "3 Divisional Accountant" under the heading "Category" in column (1) the following shall be substituted, namely:—

"Public Works Department, the Public Health Engineering Department and the Harbour Engineering Department."

By order of the Governor,

M. DANDAPANI,

*Commissioner and Secretary to Government.*

### Explanatory Note

(This note does not form part of the notification but is intended to indicate its general purport).

As per the Special Rules for the Kerala General Service for appointment to the post of Divisional Accountants in the Engineering Divisions, 1/3 of the vacancies are to be filled up by promoting Junior Superintendents of the Public Works Department and Public Health Engineering Department. In G.O.(P) No.31/82/TF&PD dated 14-4-1982 a new

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Engineering Department viz. Harbour Engineering Department has been formed. This Department is also working, based on the Public Works Account system. Government therefore propose to include the post of Junior Superintendent of the Harbour Engineering Department also in the feeder category for appointment to the post of Divisional Accountant, by amending suitably the Special Rules for the Kerala General Service. This notification is intended to achieve the above object.

To

All Heads of Departments and Offices.
All Departments of the Secretariat (all Sections)
The Secretary, Kerala Public Service Commission, Trivandrum (with C.L.)
The Registrar, University of Kerala, Trivandrum ,,
The Registrar, Gandhiji University, Kottayam ,,
The Registrar, University of Cochin, Cochin ,,
The Registrar, University of Calicut, Calicut ,,
The Registrar, Kerala Agricultural University, Trichur ,,
The Registrar, High Court of Kerala, Ernakulam ,,
The General Manager, Kerala State Road Transport Corporation, Trivandrum ,,
The Secretary, Kerala State Electricity Board, Trivandrum ,,
The Accountant General, Kerala, Trivandrum.
The Commissioner and Secretaries, Secretaries, Special Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government.
The Secretary to Governor.
The Private Secretaries to the Chief Minister, Deputy Chief Minister and other Ministers.
The General Administration (Services-B) / (SC) Departments
The Under Secretary to the Chief Secretary.
All Recognised Service Associations.

Kerala Gazette No. 39 dated 2nd October 1984.
PART I Section iv

GOVERNMENT OF KERALA

**General Administration (Rules) Department**

NOTIFICATION

**G. O.** (P) No. 311/84/GAD. *Dated, Trivandrum,* 31*st August,* 1984.

**S. R. O. No. 1122/84.**—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

RULES

1. (1) These rules may be called the Kerala State and Sudordinate Services (Amendment) Rules, 1984

(2) They shall be deemed to have come into force with effect on and from the 16th January, 1974.

2. In Part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (e) of rule 9, after the words "provided that", the words "such appointment is made by direct recruitment and" shall be inserted.

By order of the Governor,

M. DANDAPANI,

*Commissioner and Secretary to Government.*

**Explanatory Note**

(This note does not form part of the notification but is intended to indicate its general purport).

As per General Rules 9 (e), Government may by order regularise the services of any person appointed under Rule 9 a (i) of the General Rules, provided that such person shall have two years continuous service on 22-12-1973 in one category of post in the same department. Appointments under Rule 9 a (i) can be made both by direct recruitment and by transfer of persons from one service to another. Persons coming under the latter category can also claim regularisation of appointment under General Rule 9 (e) according to the existing rule, though this has not

been intended in introducing the amendment. In order to forest all possible claims of regularisation from such persons Government propose to amend the rules, specifying that appointments made under Generel Rule 9 a (i) by direct recruitment will alone be regularised. This notification is intended to achieve the above object.

To

All Heads of Departments and Offices.
All Departments of the Secretariat (all sections)
The Secretary, Kerala Public Service Commission, Trivandrum (with C. L.)
The Registrar, University of Kerala, Trivandrum ,,
The Registrar, University of Cochin, Cochin ,,
The Registrar, University of Calicut Calicut ,,
The Registrar, Gandhiji University, Kottayam ,,
The Registrar, Kerala Agricultural University, Trichur ,,
The Registrar, High Court of Kerala, Ernakulam ,,
The General Manager, Kerala State Road Transport Corporation, Trivandrum ,,
The Secretary, Kerala State Electricity Board, Trivandrum ,,
The Accountant General, Kerala, Trivandrum
The Commissioner and Secretaries, Secretaries, Special Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government
The Secretary to Governor
The Private Secretary to the Chief Minister, Deputy Chief Minister and other Ministers
The General Administration (Services-B) (SC) Departments
The Under Secretary to the Chief Secretary
All Recognised Service Associations

# GOVERNMENT OF KERALA

**Abstract**

KERALA PUBLIC SERVICE COMMISSION (COMPOSITION AND CONDITIONS OF SERVICE OF MEMBERS AND STAFF)—REGULATIONS, 1957—AMENDMENT—ISSUED

GENERAL ADMINISTRATION (SERVICES D) DEPARTMENT

G. O. (MS) No. 304/84/GAD. *Dated, Trivandrum, 31st August* 1984.

## NOTIFICATION

**S. R. O. No. 1123/84.**—In exercise of the powers conferred by article 318 of the Constitution of India, the Governor of Kerala hereby make the following regulations further to amend the Kerala Public Service Commission (Composition and Conditions of Service of Members and Staff) Regulations, 1957, namely:—

### REGULATIONS

1. *Short title and commencement.*—(i) These Regulations may be called the Kerala Public Service Commission (Composition and Conditions of Service of Members and Staff) Amendment Regulations, 1984.

(ii) They shall come into force at once.—

2. *Amendment of the Regulations.*—In the Kerala Public Service Commission (Composition and Conditions of Service of Members and Staff) Regulations, 1957, in annexure IV,—

(1) for the entry below item " 3. Provident Fund " in column (3) against serial number " 2. Deputy Secretary " the following entry shall be substituted, namely:—

" To sanction temporary advance in ordinary cases irrespective of the amount involved and non-refundable withdrawals subject to a maximum of Rs. 2,000 at a time in cases not requiring special sanction to officers in the rank of Under Secretary and below".

(2) for the entry under item "2. Provident Fund" in column (3) against serial number "3. Under Secretary (District Officer), the following entry shall be substituted, namely:—

"To sanction temporary advance in ordinary cases irrespective of the amount involved and non-refundable withdrawals subject to a maximum of Rs. 1,000 in ordinary cases to officers below the rank of Under Secretary".

By order of the Governor,

M. DANDAPANI,

*Commissioner and Secretary to Government.*

**Explanatory Note**

(This note is not a part of the Notification but is intended to indicate its general purport.)

As per Regulation 13 (2) of the Kerala Public Service Commission (Composition and Conditions of Service of Members and Staff) Regulations, 1957, the District Officers of the Kerala Public Service Commission can sanction temporary advance and Non-refundable Advance from G. P. F. to the Class III and Class IV employees of the Commission. But as per G. O. (P) 618/79/Fin. dated 17-7-1979 Government have authorised all the District Officers of all Departments to sanction temporary withdrawals from G. P. F. irrespective of the amount if the withdrawals do not involve relaxation of rules and standing orders. These orders have to be made applicable in the case of the District Officers of the Commission by amending the said regulations. Simultaneously the powers of the Deputy Secretary of the Commission also have to be suitably modified by amending the regulations. The Commission has also proposed certain enhancement in the sanctioning limit in respect of non-refundable advance from G. P. F. by different level of officers.

The Notification is intended to achieve the above object.

To

The Secretary, Kerala Public Service Commission (with C.L.)
The Accountant General, Kerala, Trivandrum. "
The Private Secretary to the Chief Minister and other Ministers.
The Private Secretary to the Leader of Opposition, M.L.A. Hostel, Trivandrum.
The Private Secretary to the Speaker, Legislative Assembly, Trivandrum.
The Under Secretary to the Chief Secretary.

# GOVERNMENT OF KERALA

## Labour (F) Department

## NOTIFICATION

G.O. (Rt.) No. 908/84/LBR. *Dated, Trivandrum, 16th June* 1984.

**S.R.O. No. 1124/84.**—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (Central Act 34 of 1948), read with section 91-A thereof, the Government of Kerala in consultation with the Employees' State Insurance Corporation hereby exempt M/s Ice and Cold Storage, Ezhupunna, from the operation of the provisions of the said Act for a period of one year from the 1st day of October, 1983 subject to the following conditions, namely:—

1. The establishment shall maintain a register showing the names and designations of its employees;

2. Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

3. The contribution for the exempted period, if already paid, shall not be refunded;

4. The establishment shall submit in respect of the period during which it was subject to the operation of the said Act; (hereinafter referred to as the said period) such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

5. Any Inspector appointed by the Corporation under subsection (a) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under subsection (1) of section 44 of the said Act; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in considerations of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the said Act had been complied with during the period when such provisions were in force in relation to the said establishment be empowered to—

(a) require the establishment to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment office or other premises occupied by the said establishment at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such documents, books and other documents, relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the officers of the establishment servants, of the said establishment or any person found in such factory establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account books or other documents maintained in such society office or other premises of the said establishment.

By order of the Governor,

E. K. SANTHA,

*Additional Secretary*

*(Labour & Taxes) to Government.*

**Explanatory note**

(This does not form part of the notification, but is intended to indicate its general purport.)

In G.O. Rt. 1445/83/LBR dt. 15-12-1983 exemption has been granted to the Ice and Cold Storage, Ezhupunna from the operation of the provisions of the ESI Act upto 30-9-1983. The ESI Corporation in their letter No. P. 13/13/62/81 Inp II dt. 30-4-1984 has stated that the conditions on which the exemption has been granted initially to the factory still exist. The ESI Corporation has recommended that the Factory may be granted further exemption under section 87 of the ESI Act upto and inclusive of 30-9-1984. Government accepted the recommendation of the ESI Corporation and this notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

**Local Administration and Social Welfare (C) Department**

NOTIFICATION

G.O. (MS) No. 215/84/LA&SWD. *Dated, Trivandrum, 14th September* 1984.

**S. R. O. No. 1125/84** —In exercise of the powers conferred by sub-section (1) of section 142 of the Kerala Panchayats Act, 1960 (32 of 1960), and at the request of the Ayroor Panchayat contained in its resolution No. 15 dated the 25th February 1984, the Government of Kerala hereby declare that the provisions of Law relating to Municipalities mentioned in the Schedule below shall be extended to and be in force, in the Ayroor Panchayat area in Pathanamthitta District with effect from 13-11-1984.

SCHEDULE

Clauses (3), (4), (16), (28), (30), (33) and (39) of section 3, provisions of Chapters IX and X, sections 347, 349, 350, 352, 353, 359, 363, 364 and 365 as far as they relate to matters specified in Chapters IX and X of the Kerala Municipalities Act, 1960 (14 of 1961), and the provisions of the said Act for contravention of sections 196, 197, 202, 204, 205, 207, 209 to 213, 215, 216, 218 to 221, 224 to 227 and 243 of the said Act and the Kerala Municipal Building Rules, 1968.

By order of the Governor,

V. R. PADMANABHAN,

*Joint Secretary to Government.*

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Ayroor Panchayat in Pathanamthitta District has resolved to enforce in its area certain provisions of the Kerala Municipalities Act, 1960, and the Kerala Municipal Building Rules, 1968, in order to bring some control over the construction made within the Panchayat area. The Director of Panchayats after consultation with the Chief Town Planner recommended the proposal.

Government are pleased to accept the proposal and this notification is intended to achieve the above object.

Kerala Gazette No. 39 dated 2nd October 1984.
**PART I** **Section iv**

# GOVERNMENT OF KERALA

## Transport (C) Department

## NOTIFICATION

No. 2727/TC2/83/TF &P. *Dated, Trivandrum, 13th August* 1984.

**S. R. O. No.1126/84.**—Whereas representation has been received by Government from the Stage Carriage Operator Smt. P. Lakshmi Pillai Amma, Thoppil Veedu, Chavara that the vehicle tax for the quarter ending on the 31st March, 1983 in respect of the stage carriages bearing Registration Numbers KLU 9078 and KLU 1729 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of vehicle tax in respect of this vehicle may, therefore, be granted ;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriages could not remit the vehicle tax in respect of the said stage carriages ordinarily kept for use in the State for the quarter ending on the 31st March, 1983 due to financial strain ;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would have caused great inconvenience to the travelling public ;

And whereas, the Government consider it necessary to extend in public interest the time for payment of the vehicle tax for the quarter ending on the 31st March, 1983;

Now, therefore in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxtion Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that the vehicle tax for the quarter ending on the 31st March, 1983 in respect of the said stage carriages ordinarily kept for use in the State shall be paid on or before the 30th March, 1983 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

V. A. Augustine,

*Additional Secretary to Government.*

O. 1594

[P.T.O.]

## Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification.)

Government have received representation from the Stage carriage Operator as shown in the notification requesting extension of time for payment of vehicle tax for the quarter ended on 31st March, 1983 due to financial strain ;

Government are convinced of the position and in public interest, grant extension of time for payment of tax as otherwise these vehicles might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

## GOVERNMENT OF KERALA

### Vigilance (C) Department

### NOTIFICATION

No. 5690/C1/84/Vig. *Dated, Trivandrum,* 12*th September* 1984.

**S. R. O. No. 1127/84.**—In exercise of the powers conferred by clause (S) of section 2 of Code of the Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala, hereby declare that the building No. TKNH 2/28, Talikkavu Ward, Cannanore in which the office of the Deputy Superintendent of Police, Vigilance Department, Cannanore is housed shall be Police Station, with jurisdiction over the Revenue District of Kasargod also.

By order of the Governor,

N. Kaleeswaran,

*Commissioner and Secretary to Government.*

### Explanatory Note

(This is not part of the Notification, but is intended to indicate its general purport.)

Though Kasargod Revenue District was formed, no Vigilance Unit was sanctioned for the new district. The Vigilance Police Station, Cannanore (Building No. TKNH 2/28, Talikkavu Ward, Cannanore) deals with the crime and petition cases of Cannanore Revenue District including the present Kasargod Revenue District also. It is proposed to declare the above building of the Vigilance Police Station for Kasargod Revenue District also. This Notification is intended to achieve the above object.